



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE **RECEIVED**

In re Application of:

Hilda E. Smith

Serial No.: 09/767,041

Filed: January 22, 2001

For: STREPTOCOCCUS SUIIS VACCINES
AND DIAGNOSTIC TESTS

Confirmation No.: 3344

Examiner: P. Duffy

Group Art Unit: 1645

Attorney Docket No.: 2183-4726US

SEP 04 2003

TECH CENTER 1600/2900

CERTIFICATE OF MAILING

I hereby certify that this correspondence along with any attachments referred to or identified as being attached or enclosed is being deposited with the United States Postal Service as First Class Mail on the date of deposit shown below with sufficient postage and in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

April 30, 2003
Date

Signature

Betty Vowles

Name (Type/Print)

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Supplemental Information Disclosure Statement is submitted in response to the Office communication mailed April 9, 2003, which indicated the "references have been inadvertently omitted" from the listed search report and the IPER from the Information Disclosure Statement mailed January 22, 2001. Applicant requests that the other references listed on the Information Disclosure Statement and Form 1449 mailed January 22, 2001, be considered. References listed on the search report have been detailed on the attached PTO/SB/08. Applicant request these references be considered.

In compliance with the duty to disclose information material to patentability pursuant to 37 C.F.R. § 1.56, it is respectfully requested that this Supplemental Information Disclosure

Statement be entered and the documents listed on attached Form PTO-1449 or PTO/SB/08 be considered by the Examiner and made of record. Copies of the listed documents are enclosed pursuant to 37 C.F.R. § 1.98(a).

In accordance with 37 C.F.R. § 1.97(g) and (h), filing of this Supplemental Information Disclosure Statement is not to be construed as a representation that a search has been made or an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b). Further, no representation is made by Applicant herein that no other possible material information as defined in 37 C.F.R. § 1.56(b) exists.

Foreign Patent Documents

<u>Document No.</u>	<u>Publication Date</u>	<u>Patentee</u>
WO 92/16630	10-01-1992	Centraal Diergeneeskundig Instituut
WO 92/21465	07-18-1996	Connaught Laboratories Limited
WO 95/06732	03-09-1995	Rockefeller University
WO 95/31548	11-23-1995	UAB Research Foundation
EP 0 750 043 A1	12-27-1996	Societe Des Produits Nestle

Other Documents

BUSQUE et al., Immunization of pigs against Streptococcus suis serotype 2 infection using a live avirulent strain, Can J Vet Res., October 1997, pp. 275-79, Vol. 61, No. 4.

CHARLAND et al., Streptococcus suis serotype 2 mutants deficient in capsular expression, Microbiology, February 1998, pp. 325-32, Vol. 144, No. 2.

ELLIOTT et al., Streptococcal infection in young pigs. V. An immunogenic polysaccharide from Streptococcus suis type 2 with particular reference to vaccination against streptococcal meningitis in pigs, October 1980, pp. 275-85, Vol. 85, No. 2.

KOLKMAN et al., Diversity of capsular polysaccharide synthesis gene clusters in Streptococcus pneumoniae, J. Biochem., May 1998, pp. 937-45, Vol. 123, No. 5.

QUESSY et al., Immunization of mice against Streptococcus suis serotype 2 infections using a live avirulent strain, Can J. Vet Res., October 1994, pp. 299-301, Vol. 58, No. 4.

✓ ROBERTS et al., The biochemistry and genetics of capsular polysaccharide production in bacteria, Ann. Rev. Microbiol., 1996, pp. 285-315, Vol. 50.

SMITH et al., Identification and characterization of the cps locus of Streptococcus suis serotype 2: the capsule protects against phagocytosis and is an important virulence factor, Infect Immun., April 1999, pp. 1750-56, Vol. 67, No. 4.

✓ SMITH et al., High efficiency transformation and gene inactivation in Streptococcus suis type 2, Microbiology, January 1995, pp. 181-88, Vol. 141.

✓ WATSON et al., Pneumococcal Virulence Factors and Host Immune Responses to Them, European Journal of Clinical Microbiology & Infectious Diseases, June 1995, pp. 479-90, Vol. 14, No. 6.

This Supplemental Information Disclosure Statement is believed to be filed before the mailing date of a first Office Action on the merits; therefore, no fee is due.

Respectfully submitted,



Andrew F. Nilles
Registration No. 47,825
Attorney for Applicant(s)
TRASKBRITT, P.C.
P.O. Box 2550
Salt Lake City, Utah 84110-2550
Telephone: 801-532-1922

Date: April 30, 2003
AFN/bv

Enclosures: Form PTO-1449 or PTO/SB/08
Cited Documents

Document in ProLaw



PTO/SB/08A (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet

of

Complete if Known

Application Number	09/767,041
Filing Date	January 22, 2001
First Named Inventor	Hilda E. Smith
Group Art Unit	1643
Examiner Name	P. Duffy
Attorney Docket Number	2183-4726US

RECEIVED

SEP 04 2003

TECH CENTER 1600/2900

U.S. PATENT DOCUMENTS

Examiner Initials *	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			

FOREIGN PATENT DOCUMENTS

Examiner Initials *	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
		WO 02/038597 A2	05-16-2002	IL-Lelystad, Instituut Voor Dierhouderijen Diergezondheid B.V.		
		WO 00/05378	02-03-2000	Stichting Dienst Landbouwkundig Onderzoek		
		*WO 96/21465	07-18-1996	Connaught Laboratories Limited		

Examiner
SignatureDate
Considered

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Bardeen Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

* WO 96/21465 was submitted with the Supplemental Information Disclosure Statement filed April 30, 2003; however, it was inadvertently listed as WO 92/21465. It is listed but a copy is not submitted herewith.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Complete if Known

Application Number 09/767,041

Filing Date January 22, 2001

First Named Inventor Hilda E. Smith

Group Art Unit 1645

Examiner Name P. Duffy

Attorney Docket Number 2183-47261US

RECEIVED

SEP 04 2003

TECH CENTER 1600/2900

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
✓		SMITH et al., Cloning and nucleotide sequence of the gene encoding the 136-kilodalton surface protein (muramidase-released protein) of Streptococcus suis type 2, Infection and Immunity, 1992, pp. 2361-67, Vol. 60, No. 6.	
✓		SMITH et al., Repeats in an extracellular protein of weakly pathogenic strains of Streptococcus suis type 2 are absent in pathogenic strains, Infection and Immunity, 1993, pp. 3318-26, Vol. 61, No. 8.	
✓		SMITH et al., The cps locus of Streptococcus suis serotype 2 is a genetic determinant for the synthesis of sialic acid, Microbial Pathogenesis, 2000, pp. 127-34, Vol. 29, No. 2.	
		SMITH et al., Selection of virulence-associated determinants of Streptococcus suis serotype 2 by in vivo complementation, Infection and Immunity, March 2001, pp. 1961-66, Vol. 69, No. 3.	
		ALLGAIER et al., Relatedness of Streptococcus suis isolates of various serotypes and clinical backgrounds as evaluated by macrorestriction analysis and expression of potential virulence traits. Journal of Clinical Microbiology, 2001, pp. 445-453, Vol. 39, No. 2.	

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet	1	of	2
-------	---	----	---

Complete if Known

Application Number	09/767,041
Filing Date	January 22, 2001
First Named Inventor	Hilda E. Smith
Group Art Unit	1645
Examiner Name	P. Duffy
Attorney Docket Number	2183-4726US

RECEIVED

SEP 04 2003

TECH CENTER 1600/2900

U.S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
		WO 92/16630	10-01-1992	Centraal Diergeneeskundig Instituut		
		WO 92/21465	07-18-1996	Connaught Laboratories Limited		
		WO 95/06732	03-09-1995	Rockefeller University		
		WO 95/31548	11-23-1995	UAB Research Foundation		
		EP 0 750 043 A1	12-27-1996	Societe Des Produits Nestle		

Examiner
Signature

Date
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.



PTO/SB/08B(10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 2 of 2

Complete if Known

Application Number	09/767,041
Filing Date	January 22, 2001
First Named Inventor	Hilda E. Smith
Group Art Unit	1645
Examiner Name	P. Duffy
Attorney Docket Number	2183-4726LIS

RECEIVED

SEP 04 2003

TECH CENTER 1600/2900

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		BUSQUE et al., Immunization of pigs against Streptococcus suis serotype 2 infection using a live avirulent strain, Can J Vet Res., October 1997, pp. 275-79, Vol. 61, No. 4.	
		CHARLAND et al., Streptococcus suis serotype 2 mutants deficient in capsular expression, Microbiology, February 1998, pp. 325-32, Vol. 144, No. 2.	
		ELLIOTT et al., Streptococcal infection in young pigs. V. An immunogenic polysaccharide from Streptococcus suis type 2 with particular reference to vaccination against streptococcal meningitis in pigs, October 1980, pp. 275-85, Vol. 85, No. 2.	
		KOLKMAN et al., Diversity of capsular polysaccharide synthesis gene clusters in Streptococcus pneumoniae, J. Biochem., May 1998, pp. 937-45, Vol. 123, No. 5.	
		QUESSY et al., Immunization of mice against Streptococcus suis serotype 2 infections using a live avirulent strain, Can J. Vet Res., October 1994, pp. 299-301, Vol. 58, No. 4.	
		ROBERTS et al., The biochemistry and genetics of capsular polysaccharide production in bacteria, Ann. Rev. Microbiol., 1996, pp. 285-315, Vol. 50.	
		SMITH et al., Identification and characterization of the cps locus of Streptococcus suis serotype 2: the capsule protects against phagocytosis and is an important virulence factor, Infect Immun., April 1999, pp. 1750-56, Vol. 67, No. 4.	
		SMITH et al., High efficiency transformation and gene inactivation in Streptococcus suis type 2, Microbiology, January 1995, pp. 181-88, Vol. 141.	
		WATSON et al., Pneumococcal Virulence Factors and Host Immune Responses to Them, European Journal of Clinical Microbiology & Infectious Diseases, June 1995, pp. 479-90, Vol. 14, No. 6.	

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Hilda E. Smith

Serial No.: 09/767,041

Filed: January 22, 2001

For: STREPTOCOCCUS SUIIS VACCINES
AND DIAGNOSTIC TESTS

Confirmation No.: 3344

Examiner: P. Duffy

Group Art Unit: 1645

Attorney Docket No.: 2183-4726US

PATENT

1645
P#20
RECEIVED

SEP 04 2003

TECH CENTER 1600/2900

CERTIFICATE OF MAILING

I hereby certify that this correspondence along with any attachments referred to or identified as being attached or enclosed is being deposited with the United States Postal Service as First Class Mail on the date of deposit shown below with sufficient postage and in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

August 28, 2003
Date

Signature

Betty Vowles
Name (Type/Print)

COMMUNICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

On April 30, 2003, a Supplemental Information Disclosure Statement was mailed to the Commissioner for Patents. A copy of the document is attached hereto (along with cited references). Also attached is a copy of the return postcard.

On May 16, 2003, another Supplemental Information Disclosure Statement was mailed to the Commissioner for Patents. A copy of the document is also attached hereto (along with cited references). Neither Supplemental Information Disclosure Statement was entered into the PAIR system.

On or about June 26, 2003, our office contacted Examiner Duffy regarding this oversight and she indicated another copy would need to be sent. Unfortunately, file copies of some of the

Serial No. 09/767,041

references were submitted with a copending, related case and new copies had not yet been received from the client.

Should questions exist following review of the attached documents, please contact applicants' attorney at the address or telephone number given herein.

Respectfully submitted,



Andrew F. Nilles
Registration No. 47,825
Attorney for Applicant(s)
TRASKBRITT, P.C.
P.O. Box 2550
Salt Lake City, Utah 84110-2550
Telephone: 801-532-1922

Date: August 27, 2003
AFN/bv
Document in ProLaw



RECEIVED

SEP 04 2003

TECH CENTER 1600/2900

BH cabinets

THE PATENT & TRADEMARK OFFICE MAILROOM DATE
STAMPED HEREON IS AN ACKNOWLEDGEMENT THAT ON THIS
DATE THE PATENT & TRADEMARK OFFICE RECEIVED:

Supplemental Information Disclosure Statement (3 pages); PTO/SB/08 (2
pages); cited references

Invention: STREPTOCOCCUS SUIIS VACCINES AND
DIAGNOSTIC TESTS
Applicant(s): Hilda E. Smith
Filing Date: January 22, 2001
Serial No.: 09/767,041
Date Sent: April 30, 2003 via first class mail
Docket No.: 2183-4726US
AFN/bv



TRASKBRITT
P.O. Box 2550
Salt Lake City, UT 84110-2550

RECEIVED
MAY 12 2003
Trask Britt

